



DATE: May 25, 2003

TO: NR 115 Advisory Committee Members

FROM: Carmen Wagner, WT/2

SUBJECT: May Meeting Review and Follow-up Materials

Hello – Hope everyone is still high and dry after all the rain we have gotten since our meeting on May 18. This memo includes some follow-up information and a review of the meeting.

Upcoming Dates:

- June 1: Written comments from May 18 meeting due. Meeting covered ss. 115.01 – 115.09, but members can submit comments on the entire document.
- June 10: Advisory Committee meeting, 10 am to 4 pm, in Stevens Point. Review to begin with Section 115.11 of draft code. More information to come.
- July 12: Written comments resulting from June 10 meeting due.
- Fall: Schedule another Advisory Committee meeting for comprehensive review of most current draft of the code. Schedule additional Advisory Committee meetings as needed.
- January: Request approval from Natural Resources Board for approval for public hearings
- Spring: Schedule 8 public hearings around the state on proposed changes to Chapter NR 115.

Review of May Meeting:

At the May 18 meeting, the Department provided a review of comments received as a result of the listening sessions held in November and December 2003. All the comments are available on the NR115 Revision web-page and a summary report is being prepared. Nearly 1100 comments were received. The comments fell into three general themes:

1. Keep the changes simple and understandable.
2. Make the changes enforceable.
3. Allow communities to decide how to best administer the minimum standards.

The initial Advisory Committee recommendations and comments received from listening sessions were used to draft changes to Ch. NR 115, Wis. Admin. Code. The Advisory Committee reviewed the draft changes to ss. 115.01 to 115.09. Section 115.03, Definitions, was not reviewed, but each definition will be reviewed as the term is brought up in discussion of following sections.

The following issues were discussed at the May 18 meeting. This is not a comprehensive review of the meeting and does not include any comments provided after the May 18 meeting.

- 115.05(2): Land Division Regulations
 - Is review necessary for all lots 20 acres in size or smaller?

- How does this provision mesh with ch. 236, Wis. Stats., for subdivision regulations?
- Could the review requirements be better defined to address the issue of a single lot being subdivided into two or three lots which may not meet the definition of “subdivision” under ch. 236 to ensure that the county reviews the subdivision?
- 115.05(3): Net Project Area
 - Should the county just check that there is an area that could be built on, regardless of the size?
 - To prevent confusion, should the net project area not be identified on the plat, in case the ordinance changes later, and as a result, the net project area is different? This would require to the property owner to check first with the county before building, rather than just relying on the plat.
- 115.05(4): Navigable Bodies of Water within Lots
 - Can this requirement be simplified?
- 115.07(3): Permitted Uses in Shoreland-Wetland Zoning Districts
 - If counties “may permit, prohibit, or authorize as a conditional use the following uses”(same as NR117 language for cities and villages), could that cause problems with some of the uses, such as “hiking, fishing, trapping, hunting, swimming and boating”?
 - Should the shoreland-wetland provisions in NR115 be the same as NR117? (AC members decided this was an issue to place in the “parking lot”.)
- 115.09(1)(a): General
 - Rather than measuring the lot width at the narrowest point of the lot, several AC members preferred measuring the lot width at the ordinary high-water mark (OHWM) and at the OHWM setback.
- 115.09(1)(c): General
 - Should it be permissible to allow two principal structures if the lot area is large enough? For instance, if a lot is 40,000 s.f., could it have two principal structures?
- 115.09(2)(3) & (4): Single Family Residences, Duplexes, and Multiple Family Residences
 - Would it be easier to just have a minimum lot area for each dwelling unit rather than for each type of residence?
 - Is it necessary to have a minimum lot width for “inland” lots? Could a minimum area suffice?
 - Should the minimum lot width for duplexes and multiple family residences be on a sliding scale rather than kept at the standard 100 foot width for each dwelling unit?
- 115.09(5): Campgrounds
 - Who will regulate or enforce the time limit on permanent and non-permanent campsites?
 - Should the limit on non-permanent campsites be lowered to 30 days from 180 days?
- 115.09(6): Other Uses
 - Should this be changed? The density of development and intensity of use may require a larger lot size.
- 115.09(7): Planned Unit Development
 - Refer to what counties are currently doing to see how this proposal meshes with it.
 - Should the minimum lot width be on a sliding scale or a percentage for waterfront lots?

The following topics were identified from listening session comments as issues the Advisory Committee did not discuss. The Advisory Committee was asked if they should be addressed in ch. NR115, Wis. Admin. Code.

- Lighting ordinances – AC recommendation: Mention in purpose section (s. NR 115.01 (4)) as an option or example of more protective regulations.

- Bluff and/or wetland setbacks – AC recommendation: Continue to allow counties to adopt if needed, but do not make a statewide minimum standard.
- Backlot or keyhole development – AC recommendation: Determine if needed based on how minimum lot size requirements are modified.
- Phosphorus ban – AC Recommendation: Focus Department efforts on education.
- OHWM or “open water” setback – AC Recommendation: Issue is beyond the scope of this committee as it has it relates to how the OHWM is determined and defining “open water” would potentially be more difficult than the OHWM. However, committee members recognize it is an important issue in parts of the state and some would like to follow-up with further discussions.

June 10 Meeting

Meeting will be in Stevens Point. We have reserved the Laird Room, as the UWSP University Center. The meeting will run from 10:00 am to 4:00 pm. We will provide more information as the date gets closer.

For the meeting, we will begin the review of the draft changes to NR115 starting with s. 115.11 and continue through to the end. If time permits, we will start at the beginning of the draft and review changes made to the first half as a result of the May meeting.

Please bring your calendars so we can schedule a meeting in late August or early September to review the changes from the May and June meetings to the draft code. Additional meeting will be scheduled in fall as needed.

Multiple Family Developments

As requested by several advisory committee members, we have put together a sampling of how several counties handle multiple family developments. The counties sampled are:

- Bayfield
- Door
- Langlade
- Jefferson
- Vilas
- Walworth

If you have any questions about the May meeting, June meeting or the multiple family information, please feel free to contact me – (608) 266-0061 or carmen.wagner@dnr.state.wi.us. Thank you again for your assistance.